



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

Reply To
Attn Of: ORC-158

August 28, 2003

URGENT LEGAL MATTER - PROMPT REPLY NECESSARY
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Larry Anson, Registered Agent
Lakea Corporation
c/o Columbia American Plating Company
3003 Northwest 35th Avenue
Portland, Oregon 97210-1607

Larry Anson, Registered Agent
Columbia American Plating Company
3003 Northwest 35th Avenue
Portland, Oregon 97210-1607

Re: Notice of Potential Liability and Intent to Perfect a Federal Lien
Columbia American Plating Removal Site

Dear Mr. Anson:

This letter is to inform you that the United States Environmental Protection Agency ("EPA"), intends to perfect a lien upon property located at 3003 Northwest 35th Avenue, Portland, Oregon (the "Property"), the legal description of which is set forth in Attachment 1 to this letter. The Property is part of the Columbia American Plating Removal Site and has been subject to and affected by a removal action. EPA has determined that Lakea Corporation is the owner of the Property. EPA has also determined that Columbia American Plating Company is the owner and operator of the metal plating facility located on the Property. The lien which EPA intends to perfect against the Property arises under Section 107(l) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9607(l). The lien is intended to secure payment to the United States of costs and damages for which Lakea Corporation, as owner of the Property, would be liable to the United States under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

USEPA SF



1392784

NOTICE OF POTENTIAL LIABILITY

Under Sections 107(a), 101(9) and 101(21) of CERCLA, 42 U.S.C. §§ 9607(a), 9601(9) and 9601(21), a person who owns or operates a site or area where a hazardous substance has come to be located may be liable for costs incurred by EPA for cleanup of the hazardous substance. EPA has determined that a "release" or threat of "release" of hazardous substances, within the meaning of Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), has occurred at or from the Property and the metal plating facility on the Property. Therefore, the Lakea Corporation, as the owner of the Property, and Columbia American Plating Company, as owner and operator of the metal plating facility, are potentially liable for the costs incurred by EPA.

NOTICE OF INTENT TO PERFECT A FEDERAL LIEN

The lien arising in favor of the United States on the Property shall continue until the liability for the costs is satisfied or becomes unenforceable through operation of the statute of limitations in Section 113 of CERCLA, 42 U.S.C. § 9613.

EPA has assembled a Lien Filing Record consisting of documents relating to the decision to perfect the lien. This record is kept at the following address, and may be reviewed and copied at reasonable times by arrangement with:

Valerie D. Badon, Paralegal
United States Environmental Protection Agency, Region 10
1200 Sixth Avenue, ORC-158
Seattle, Washington 98101
(206) 553-1141

EPA has reviewed the information in the Lien Filing Record and believes that the Agency has a reasonable basis to believe that the statutory elements for perfecting a lien are satisfied. After fourteen (14) calendar days from the date you receive this letter, EPA plans to transmit a notice to the Multnomah County Recorder's Office, Portland, Oregon. The effect of this filing is to perfect a lien upon the Property.

You may notify EPA in writing within fourteen (14) calendar days of receipt of this letter, if you believe EPA's information or determination is in error. You should describe your reasons for believing that EPA does not have a reasonable basis to perfect the lien. You may also request an opportunity to appear before a neutral EPA official to present information which you believe establishes that EPA does not have a reasonable basis to perfect the lien. Submissions or requests for an opportunity to appear before a neutral EPA official should: (1) be in writing; (2) include documents or information supporting your contentions; (3) reference the Columbia American Plating Removal Site; and (4) be sent to the EPA attorney at the following address:

Lori Cora
Assistant Regional Counsel
United States Environmental Protection Agency
Region 10
1200 Sixth Avenue, ORC-158
Seattle, Washington 98101

If EPA receives a written submission or a request for a meeting from you within fourteen (14) calendar days from the date you receive this letter, Agency staff will review the submission or request for a meeting. If, after review and consultations, EPA agrees that the Agency does not have a reasonable basis upon which to perfect a lien, EPA will not perfect the lien, and will so notify you. If EPA disagrees, the written submission or request will be referred to a neutral EPA official selected for the purpose of reviewing the submission or for conducting the meeting, along with the Lien Filing Record.

If you have requested an opportunity to appear, a meeting will be scheduled. You may choose to attend this meeting via telephone. The Agency will be represented by enforcement staff, including an attorney from the Office of Regional Counsel. You may be represented by counsel at this meeting.

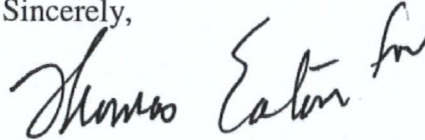
The meeting will be an informal hearing in which you may provide EPA with information as to why the Agency's determination requires reconsideration. The meeting will not be conducted using rules of evidence or formal administrative or judicial procedures. **The sole issue to be addressed at the meeting is whether EPA has a reasonable basis to perfect a lien under Section 107(l) of CERCLA, 42 U.S.C. § 9607(l).**

After reviewing your written submissions, or conducting a meeting, if one is requested, the neutral EPA official will issue a recommended decision based on the Lien Filing Record. The recommended decision will state whether EPA has a reasonable basis to perfect the lien and will be forwarded to the Agency official delegated to execute liens for action. You will be notified of the Agency's action (whether perfection or the decision not to perfect) and furnished a copy of the recommended decision. Except as provided by Section 113(h) of CERCLA, 42 U.S.C. § 9613(h), you may not obtain judicial review or reconsideration of EPA's decision.

Finally, in the event that you do submit information or request a meeting, neither you nor EPA is prohibited from asserting any claims or defenses in the future as a result of the recommended decision.

If you have any questions pertaining to this letter, please contact Lori Cora, Assistant Regional Counsel, at (206) 553-1115.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael F. Gearheard".

Michael F. Gearheard, Director
Office of Environmental Cleanup

Enclosure

cc: Rycewicz Chenoweth, Esqs., w/encl.
601 Southwest Second, Suite 1940
Portland, OR. 97204

Larry Anson, President, w/encl.
Lakea Corporation
Columbia American Plating Company
15648 Northwest Overton Drive
Beaverton, OR. 97006

Lori Cora, Esq.
Marc Callaghan, OSC

U.S. Postal Service
CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage \$
Certified Fee
Return Receipt Fee
(Endorsement Required)
Restricted Delivery Fee
(Endorsement Required)
Total Postage & Fees \$

Postmark
8/29/03

Sent To

Larry Anson, Reg. Agent

Street, Apt. No.;
or PO Box No.

Columbia American Plating

City, State, ZIP+4

7001 2510 0000 5790 2740

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may **ONLY** be combined with First-Class Mail or Priority Mail.
- Certified Mail is *not* available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

U.S. Postal Service
CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage

\$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$

Postmark
Here

Sent To

Larry Anson, ~~XXXXXX~~, Regis. Agent

Street, Apt. No.;
or PO Box No.

Columbia Amer. Plating

City, State, ZIP+4

7001 2510 0000 5790 2733

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may **ONLY** be combined with First-Class Mail or Priority Mail.
- Certified Mail is *not* available for air transport of international mail.
- **NO INSURANCE COVERAGE** is PROVIDED with Certified Mail. For valuables, please consider Insured Registered Mail.
- For an additional fee, a Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to your mailpiece and add applicable postage to cover the fee. Endorse mailpiece with "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article to the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

U.S. Postal Service
CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

8/29/03

Sent To

Larry Anson, Pres. Lakea

Street, Apt. No.,
or PO Box No.

Columbia American Plating

City, State, ZIP+4

7001 2510 0000 5790 2726

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may **ONLY** be combined with First-Class Mail or Priority Mail.
- Certified Mail is *not* available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

ATTACHMENT 1

PARCEL I:

A portion of Lot 98, according to the duly filed plat of Blythswood, in the City of Portland, filed October 8, 1907 in Plat Book 400, page 100, Records of the County of Multnomah and State of Oregon, more particularly described as follows:

Beginning at the Northeast corner of the Marcus Neff Donation Land Claim, thence South 0°19'00" West along the West line of Northwest 35th Avenue, 61.60 feet to the true point of beginning of the parcel to be described; thence North 89°41' West 224.34 feet; thence South 0°19'00" West, 145.00 feet; thence South 89°41' East, 224.34 feet to a point on the West line of Northwest 35th Avenue; thence North 0°19'00" East along said West line, 145.00 feet to the true point of beginning.

PARCEL II:

A portion of Lots 98 and 99, according to the duly filed plat of Blythswood, in the City of Portland, filed October 8, 1907 in Plat Book 400, Page 100, Records of the County of Multnomah and State of Oregon, more particularly described as follows:

Beginning at the Northeast corner of the Marcus Neff Donation Land Claim; thence South 0°19'00" West, 206.60 feet to the true point of beginning of the parcel to be described; thence North 89°41' West 184.34 feet; thence South 0°19'00" West 169.42 feet to a point on the northerly line of a 50 foot wide dedicated street; thence North 63°07'30" East along the northerly line of said street, 207.26 feet to a point on the West line of Northwest 35th Avenue; thence North 0°19'00" East along said West line, 74.72 feet to the true point of beginning.

cc: Lien Filing Record, Columbia American Plating Removal Site
Columbia American Plating Site File

CONCURRENCES						
Initials:	<i>LNC</i>	<i>SPK</i>	<i>CH</i>	<i>See attached sheet</i>		
Name:	Cora	Kowalski	Field	Callaghan		
Date:	<i>8/22/03</i>	<i>8/28/03</i>	<i>8/26</i>			

5

cc: Lien Filing Record, Columbia American Plating Removal Site
Columbia American Plating Site File

CONCURRENCES						
Initials:				CM		
Name:	Cora	Kowalski	Field	Callaghan		
Date:				8/25/03		